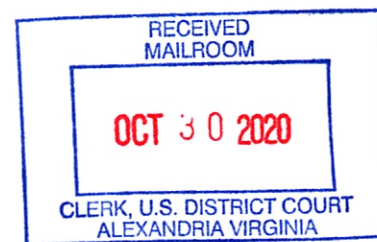


Chennor Marley Bah  
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October 24, 2020

United States District Court  
Eastern District of Virginia  
Alexandria Division  
401 Courthouse Square  
Alexandria, VA 22314

Re: Case No. 1:18-cr-58

Dear Clerk:

I would like to add additional authority in support of my pending motion for compassionate release. Specifically, in United States v. Ludwig, No. 2:14-cr-00043-KJM, 2020 U.S. Dist. LEXIS 140934, 2020 WL 4547347, at \*2 (E.D. Cal. Aug. 6, 2020), the defendant filed a motion for compassionate release arguing "his history of hepatitis B and C make him particularly susceptible to developing serious complications from a COVID-19 infection and, paired with the outbreak at the facility where he is housed, "extraordinary and compelling reasons" warrant compassionate release." (2020 U.S. Dist. LEXIS 4-5).

The government argued "that while defendant has a history of hepatitis B and C, (1) his hepatitis B is resolved, (2) his hepatitis C is in remission, and (3) even if he does have a chronic health condition his illness does not rise to the level of an "extraordinary and compelling reason" as contemplated by the Sentencing Commission's policy statement to justify releasing him from the remaining 34.9 percent, or 24 months, of his sentence." *Id.* at 9.

The District Court recognized that "[o]ther district courts have found hepatitis B and C constitutes medical conditions that increase the risk of severe illness from coronavirus warranting release, without necessarily clarifying whether the hepatitis is active, in remission or resolved." See, e.g., United States v. Connor, 2020 U.S. Dist. LEXIS 99939, [] (N.D. Iowa June 8, 2020) (granting motion for compassionate release by petitioner with ongoing hepatitis B and C diagnosis); See also United States v. Galloway, 2020 U.S. Dist. LEXIS 89689 (D. Md. May 21, 2020) (finding extraordinary and compelling reasons where BOP records indicate Petitioner suffered in part from hepatitis B); and United States v. White, 2020 U.S. Dist. LEXIS 103974 (S.D.W. Va. June 12, 2020) (granting compassionate release to prisoner suffering from a liver disease, hepatitis C...). 2020 U.S. Dist. LEXIS 10-11.

In my case, the medical records corroborate my chronic condition. While the government has argued that I should not be granted early release, there is sufficient evidence to support that I have chronic hepatitis and I have not completely recovered from that condition. See United States v. Stephenson, No. 3:05-CR-00511, 2020 U.S. Dist. LEXIS 89591, 2020 WL 2566760, at \*6 (S.D. Iowa May 21, 2020) (granting compassionate release where defendant's medical records and presentence investigation report showed he suffered from chronic hepatitis [ ] for decades, government did not dispute the health risks, but argued defendant was cured in 2018).

As of this writing, there has been over 1,000 inmates and staff infected with COVID-19 here at Butner. Twenty eight inmates and one staff member have died...in North Carolina alone on October 22, 2020, there were 77,640 new cases reported. Because there is no treatment and no cure for COVID-19, and the CDC recommends individuals with liver disease, which can include diseases caused by hepatitis B and C, protect themselves from COVID-19, by, inter alia: "Keep[ing] space between yourself and others," "stay[ing] home," and "[c]lean[ing] your hands often by washing with soap and water or using alcohol-based sanitizer, this court should expedite my compassionate release proceedings because it is impossible for me to follow the CDC guidelines and recommendations while incarcerated. I know that I am at a higher risk of suffering serious, possibly life-threatening medical consequences if I contract COVID.<sup>1</sup>

Respectfully,

Chennor Marley Bah

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1. The Court's observation in Stephenson is supported by reputable public health information. This court should take judicial notice under Federal Rule of Evidence 201(c)(1) of information provided by the CDC regarding hepatitis B and C suggesting one does not fully recover from either condition. In answering the question "What is hepatitis B?," the CDC's website explains: "Although people with lifelong hepatitis B usually don't have symptoms, the virus causes liver damage over time and could lead to cancer. There is no cure for [Hep] B...."

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